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EXAMINER

COUGHLAN, PETER D

ART UNIT PAPER NUMBER

2129

DATE MAILED: 11/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/739,433

Applicant(s)

BANKER, SHAILEN V.

Examiner

Peter Coughlan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 42-82 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 42-82 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/18/04 & 9/29/06</u> . | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1. This office action is in response to an AMENDMENT entered September 29, 2006 for the patent application 10/739433 filed on December 18, 2003.
2. The First Office Action of April 3, 2006 is fully incorporated into this Final Office Action by reference.

Examiner Comments

3. During the phone interview on 9/22/2006 the applicant stated the invention is directed towards users and experts (users) to supply relevant scores. However the amendment filed 9/29/2006 added limitations to the independent claims, which are not disclosed in the specification nor the drawings. The disclosure fails to provide support for the newly added limitations of e.g., 'degree of support', 'support scale' and 'measure of perception'.

Recommendations

4. It is suggested that the applicant specify terms/phrases that are supported by the originally filed disclosure.

To overcome the 35 U.S.C. §101 rejection, a real world practical application is required. In the IDS which was submitted 2/29/2006 was 'Westlaw Law Services' which

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is an example of a database and searching tool employed in legal services. The term 'measure of perception' is not defined and does not indicate how it is to be employed.

Status of Claims

5. Claims 42-82 are pending.

35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 42-82 are rejected under 35 U.S.C. 101 for nonstatutory subject matter.

The computer system must set forth a practical application of that § 101 judicial exception to produce a real-world result. Benson, 409 U.S. at 71-72, 175 USPQ at 676-77. The invention is ineligible because it has not been limited to a substantial practical application. There is no defined meaning to the phrase 'measure of perceptions' in the specification therefore there exists no practical application. The result has to be a practical application. Please see the interim guidelines for examination of patent applications for patent subject matter eligibility published November 22, 2005 in the official gazette.

In determining whether the claim is for a "practical application," the focus is not on whether the steps taken to achieve a particular result are useful, tangible and concrete, but rather that the final result achieved by the claimed invention is "useful, tangible and concrete." If the claim is directed to a practical application of the § 101 judicial exception producing a result tied to the physical world that does not preempt the judicial exception, then the claim meets the statutory requirement of 35 U.S.C. § 101.

The phrases 'set of topics', 'individual media content', 'set of media', 'degree of support', 'support scale' or 'measure of perceptions', are not clear in their purpose or scope. In fact they are not mentioned at all in the specification or the drawings at all. There has to be a purpose for generating such an index with an associated use in the real world.

The invention must be for a practical application and either:

- 1) specify transforming (physical thing) or
- 2) have the FINAL RESULT (not the steps) achieve or produce a
useful (specific, substantial, AND credible),
concrete (substantially repeatable/ non-unpredictable), AND
tangible (real world/ non-abstract) result.

A claim that is so broad that it reads on both statutory and non-statutory subject matter, must be amended, and if the specification discloses a practical application but the claim is broader than the disclosure such that it does not require the practical application, then the claim must be amended.

Claims that contain requirements that are not explained or described in the specification are not statutory.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 42, 50, 54, 58, 70, 74 and 75 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. These claims contain the following terms which are not in the specification or the drawings. 'Set of topics', 'individual media content', 'set of media', 'degree of support', 'support scale' and 'measure of perceptions'. The only 'set' is the 'set of opinions' in Fig. 18B. The word 'perception' is mentioned in regards to skew and not a measure. 'Degree of support' and a 'support scale' are not mentioned at all.

Claim Rejections - 35 USC § 102

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 42, 25, 26, 27, 28, 29, 50, 51, 58, 59, 61, 62, 64, 65, 67, 68, 70, 71, 72, 73, 74, 75, 76, 78 are rejected under 35 U.S.C. 102(b) (hereinafter referred to as **Kavanagh**) being anticipated by Kavanagh al., U.S. 5,838,965 as set forth in the previous office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 43, 44, 60, 82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kavanagh as set forth above in view of Daianu ('Can Further Economic Decline Be Stopped in South East Europe?', referred to as **Daianu**), as stated in the previous office action.

Claim Rejections - 35 USC § 103

Claims 52, 63, 66, 79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kavanagh as set forth above in view of Karau (U. S. Patent 6473503, referred to as **Karau**) as stated in the previous office action.

Claim Rejections - 35 USC § 103

Claim 53 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Kanavagh, and Karau, as set forth above, and further in view of Zee (U. S. Patent Publication 20020178015, referred so as **Zee**) as stated in the previous office action.

Claim Rejections - 35 USC § 103

Claims 54, 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Kavanagh, and Park (U. S. Patent 5838963, referred to as **Kavanagh**; U. S. Patent Publication 20020082930, referred to as **Park**) as stated in the previous office action.

Claim Rejections - 35 USC § 103

Claims 55, 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Kavanagh, and Park, as set forth above, and further in view of Daianu ('Can Further Economic Decline Be Stopped in South East Europe?') as stated in the previous office action.

Claim Rejections - 35 USC § 103

Claim 57 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Kavanagh, Park and Daianu, as set forth above, and further in view of Karau (U. S. Patent 6473503) as stated in the previous office action.

Claim Rejections - 35 USC § 103

Claim 69 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Kavanagh, in view of Park (U. S. Patent Publication 20020082930, referred to as **Park**) as stated in the previous office action.

Claim Rejections - 35 USC § 103

Claims 80, 81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kavanagh, in view of Zee, referred to as **Zee** (U. S. Patent Publication 20020178015) as stated in the previous office action.

Response to Arguments

7. Applicant's arguments filed on April 3, 2006 for claims 42-82 have been fully considered but are not persuasive.

8. In reference to the Applicant's argument:

The Applicant would like to thank Examiner Peter Coughlan for the telephone interview of September 22, 2006. The interview provided a valuable opportunity to clarify the proposed amendments and to understand the rejections in the Office Action.

At the time of this response claims 42-82 are pending for examination in the application, of which claims 42, 50, 54, 58, 70, 74, and 75 are independent. Claims 1-41 were cancelled by prior amendment. Claims 42-44, 46, 50-55, 57, 58, 60, 63, 65, 66, 68, 70, and 72-82 have been amended herein.

There is no new matter provided by the amendments made herein. The amendments do not require an additional search, since the amendments to the claims were primarily for clarification. For example, original claim 42 included media content items, a scoring module, and an index generation module. Amended claim 42 includes media content items, an index generator and a scorer. All independent claims include corresponding elements.

Understanding the length of the original patent application, Applicant earlier filed a Substitute Specification that included a Table of Contents (see [0056] – [0061]) outlining the subsections of information, with subheadings throughout the detailed description for enabling efficient navigation by the reader. The Applicant also included a "Definitions" section (see [00386]-[00413]), which provides definitions pulled from the original application text, and puts them in one place for quick and easy access by the reader. In the remarks below, these sections and definitions in the Substitute Specification are referenced.

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Amendment to the Title

An amendment to the title has been offered to make the title more representative of the claimed invention.

Amendment to the Specification

The Cross References to Related Applications section of the specification has been amended to recognize applications that claim priority to a common provisional patent application, but which are not parent, continuation, continuation-in-part or divisional applications of the present application.

Examiner's response:

New matter was added to the claims. See rejection 35 U.S.C. §112.

9. In reference to the Applicant's argument:

§101 Rejections

Claims 42-82 were rejected as being "nonstatutory subject matter." More particularly, the Office Action asserts that:

The invention is ineligible because it has not been limited to a substantial practical application. There is no stated purpose for the linked information system.
(Office Action, p. 2)

The Office Action more specifically stated that the phrases "index generation system" and "linking and tagging media content" are not clear. The Office Action indicated that the claims would be statutory if a useful, concrete (i.e., substantially repeatable) and tangible (i.e., non-abstract) result were achieved or produced. In the telephone interview Examiner Coughlan suggested adding a phrase that would indicate what one would do with the generated index. Applicant has added the following phrase at the end of claim 42:

wherein the combined score provides a measure of perceptions and trends relative to the topic for decision makers.

Independent claim 42 has been amended for clarification, and now reads as follows:

42. An index generation system comprising:
at least one storage device having stored therein a selected set of media content items;

an index generator configured to generate an index comprising a set of topics and to
associate media content items from the set of media content items with at least one
topic from the set of topics;

a scorer configured to:

- 1) assign a score to each media content item associated with a topic, wherein the score is a value that indicates a degree of support, from a support scale, of the media content item with the topic; and
- 2) generate a combined score for each topic from the scores assigned to the media content items associated with the topic, wherein the combined score provides a measure of perceptions and trends relative to the topic for decision makers.

As amended above, claim 42 does achieve or produce a useful, concrete, and tangible result. The words "linked information system" have been removed from this claim. The media content items, index generation and scoring has been retained. The index generator generates an index comprising a set of topics. As claimed, individual media content items are associated with topics. The index (and its topics) provides a tangible structure for scoring individual media content items. For example, see scored media content items in paragraphs [00176]-[00180].

The scorer scores each individual media content item relative to a predefined scale. (See, e.g., paragraphs [00156]-[00181]). The outputs of the scorer are scores for each media content items associated with a topic. Once individual media content scores are determined, a score for each topic can be determined.

Thus the index and the scores produced represent a final result. The final result is useful in that it gives the user/decision maker a tangible and insightful view of the topics — which is not possible with conventional systems and methods. The final result is reproducible - the same scale can be used for scoring new and different items. Claim 42 describes an invention that provides meaning in the form of easily understandable scores that indicate topic oriented perceptions and trends across many media content items (e.g., articles) for the user/ decision maker.

Accordingly, Applicant respectfully requests reconsideration of the rejection to claim 42 under 35 U.S.C. §101.

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Independent claims 50, 52, 58, 70, 74, and 75 have been amended in a manner similar to that of claim 42. Accordingly, Applicant respectfully requests reconsideration of the rejection to claims 50, 52, 58, 70, 74, and 75 under 35 U.S.C. §101.

Dependent claims 43-49, 51, 53-57, 59-69, 71-73, and 76-82 depend from claims 50, 52, 58, 70, 74, and 75. For the same reasons, Applicant respectfully requests reconsideration of the rejections to these claims under 35 U.S.C. §101.

Examiner's response:

The following below is not listed within the specification or in the drawings.

a scorer configured to:

- 1) assign a score to each media content item associated with a topic, wherein the score is a value that indicates a degree of support, from a support scale, of the media content item with the topic; and
- 2) generate a combined score for each topic from the scores assigned to the media content items associated with the topic, wherein the combined score provides a measure of perceptions and trends relative to the topic for decision makers.

The Examiner pointed to the applicant's own IDS for an example of a practical application.

10. In reference to the Applicant's argument:

§112, 2nd Para. Rejections- Indefinite

The Office Action rejected claims 43, 44, 55, 60, 77, and 82 under 35 U.S.C. §112, 2nd paragraph for failing to particularly point out and distinctly claim subject matter Applicant regards as its invention. The office action cited specific phrases within each of these claims in support of these rejections.

Claims 43, 44, 55, 60, 77, and 82 have each been amended for clarification, in view of the cited phrases. Applicant respectfully requests reconsideration of these rejections.

Examiner's response:

Examiner withdraws the 35 U.S.C. §112 Indefinite rejection.

11. In reference to the Applicant's argument:

§102(b) Rejections

Claims 42, 45-51, 58, 59, 61, 62, 64, 65, 67, 68, 70-76, and 78 have been rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 5,838,965 to Kavanagh et al. ("Kavanagh").

As an overview, Kavanagh has a very limited and specific focus. "The invention described herein is with reference to the problem of managing parts and components in a manufacturing operation. The invention is particularly useful in solving problems in parts management." See Kavanagh, CI: 19-30. The objective of eliminating the design of a part when a part already exists to meet that need, is to bring products to market faster with cost savings. Limitations in keyword searching appears to be at the crux of the Kavanagh patent, and its *raison-de-etre* is that keyword searching fails in locating a desired part quickly and with full confidence.

Specifically, Kavanagh discloses an improved parts management system used in a manufacturing operation. It particularly addresses the problem of how design engineers locate parts within the company's parts database efficiently and with full confidence that the search found all appropriate parts, so that a new part is designed only if another part that meets the need does not exist within the parts database. Kavanagh discloses representing parts as object and then including a set of attributes within each object for defining the part. (Kavanagh C4:32-36).

The entire thesis in Kavanagh is that an attribute-based search produces better results than a conventional keyword-search for parts. "Given the inconsistencies in typical parts descriptions noted above, keyword approach have been severely limited in their effectiveness. In a database that supports keyword searches... it is never known if all possible answers are returned." See Kavanagh, C2: 57-67 and C3: 1-9. According to Kavanagh, in parts management and design it is critical to find a part, if it is in the database, with 100% assurance. Otherwise, the part may be designed again at extra cost. Preventing this wasted cost and wasted time in parts searching is the function of the Kavanagh system.

It is a prerequisite in Kavanagh that all parts be initially known – so that each can be defined as an object. Once each part is defined as an object (with part attributes) then, and only then, does searching take place. In other words, in order for a part to be found it must first have been known and then defined as an object with attributes. Then a searcher can find it.

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In Kavanagh, "the system is particularly suited for applications where extensive updating is not necessary," (See Kavanagh, C1:5-8). In fact, in Kavanagh a database update could mean a new part has been designed – an event explicitly attempted to be avoided in Kavanagh.

There are several contrasts between the present invention and Kavanagh. For example, the present invention is not a parts management system. It's a media content system. Searching in the present invention for media content items is for new media content items, e.g., an article on a web site. While Kavanagh teaches a static tightly controlled parts database, the present invention teaches open ended searching across a wide variety of external and unrelated media content sources (e.g., web sites), where the media content items are not known in advance. A static, internal database is not at all desirable in the present invention. In this sense, Kavanagh and the present invention are not analogous.

The thrust in the present application is on the following functions. Firstly, tracking information related to topics, including tracking new information to show how changes are occurring. And secondly, organizing and indexing information can be provided so that critical information is highlighted, wherein information of low relevance and low quality can be excluded. And thirdly, the function of linking information across industries, markets and countries can be provided. In short, the present invention treats information (i.e., media content items) in such a way as to generate readily absorbable insights for company managers in individual industries, for example.

Kavanagh's system is a "tool for design engineers." It's a revised parts management query system, which asks questions based on attributes to locate parts in a database. (Kavanagh C4:32-36). In the present application, media content can be updated (e.g., in real time) to help decision makers on an ongoing basis --- as things in the media change. Thus, the present invention enables decisions to be influenced by changing perceptions and trends in the marketplace, performance of companies and management in the global economy, and insights into the opportunities and risks for global decision-makers. The natures of factory parts searching in Kavanagh and that of globalized business, for example, in the present invention are very different.

Unlike Kavanagh, the present invention seeks to provide meaning to users/ decision makers of the constantly changing information available from a plurality of disparate and unrelated media content sources. For example, a challenge of business decision makers today is efficiently gaining meaning from many on-line articles and news reports, provided from several high quality media sources, in relation to one or more topics of interest to that user/ decision maker. The index generation system provides a quantified score (or set of scores) that capture that meaning across many media content items from many media content sources. Tracking changes to media content over time can cause changes in the scores, which in turn demonstrates topic trends that provide

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useful insights to the users/ decision makers. Accordingly, the present invention is useful for improving a decision making process of users/ decision makers.

In contrast, Kavanagh's system determines whether a certain specific part exists. Rather than keywords, "attributes" are used — because every part in Kavanagh's database is stored as an object having predefined part attributes. Kavanagh's parts searching system does not bring various items together in a context that gives them a richer meaning relative to a topic. There is no meaning across parts for Kavanagh to score. In Kavanagh, the search either found the desired part or it did not.

The difference between the present invention and Kavanagh stems from the fact that the two have completely unrelated objectives. Kavanagh precisely searches static predefined objects in a known, well-defined database to locate a predefined object and the present invention searches dynamically changing media content across disparate sources and captures the meaning across the media content with an index (and scoring). Thus, the two function in different ways, on different types of information to produce different results.

Kavanagh focuses on the search for a part fitting a predetermined set of design criteria, e.g., a Screw, with certain attributes, such as .5 inch length, Pan as Head style, Cross as Head recess, and Phosphate finish, (Kavanagh Figures 24 and 27). In contrast, the present invention focus on media content , e.g., articles in the Wall Street Journal, which can be found in real time and linked at many levels to other articles from other news media sources, but in any event they relate to a topic. "The present invention is advantageous because it works with information in real time. It further works with information constantly improving and updating." (Present Application, paragraph [0008] lines 1-8) Kavanagh does not anticipate this.

Examiner's response:

'Kavanagh has a very limited and specific focus' which is why Kavanagh has overcome the 35 U.S.C. §101 rejection. Kavanagh does not teach a 'static database'.

Kavanagh is a database application along with the applicant which is a database application thus they are analogous. Regarding the statement 'There is no meaning across parts for Kavanagh to score. In Kavanagh, the search either found the desired part or it did not.' is a Boolean meaning, and thus it has meaning. Applicant does not claim that information is 'improving'. Regarding updating 'The administrator sets the

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requirements that determines if a user is granted rights to update the knowledge base (Kavanagh, C12:35-65).'

12. In reference to the Applicant's argument:

Claim 42

The Office Action asserted that a "theme or topic" in claim 42 was equivalent to an "attribute list" in Kavanagh; that "assigned scores" were equivalent to "values" in Kavanagh; that an "index" was equivalent to a "sort" in Kavanagh. However, the distinctions in these terms should be clear from the preceding discussion. But they are specifically discussed below with respect to this claim.

Claim 42 has been amended as follows:

42. An index generation system comprising:
at least one storage device having stored therein a selected set of media content items;

an index generator configured to generate an index comprising a set of topics and to associate media content items from the set of media content items with at least one topic from the set of topics.

a scorer configured to:

assign a score to each media content item associated with a topic, wherein the score is a value that indicates a degree of support, from a support scale, of the media content item with the topic; and

generate a combined score for each topic from the scores assigned to the media content items associated with the topic, wherein the combined score provides a measure of perceptions and trends relative to the topic for decision makers.

With respect to element A, Kavanagh teaches a static database of parts represented as objects, with each object having a defined set of attributes. Kavanagh does not disclose media content items, which are defined in the present application as articles and so on from disparate media content sources. Such media content could be news articles in the media publications such as the New York Times, Wall Street Journal, the Economist etc. There is no such media content in Kavanagh, not even a remote connection; in Kavanagh there is a manufacturing parts database which spits out responses to a query about the existence of a certain part. Kavanagh would have no use for the media

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content items of the present invention, nor would the present invention have any use for the static object oriented parts database in Kavanagh. The two are not the same. As such, Kavanagh does not teach this element of claim 42.

With respect to element B, Kavanagh does not teach an index generator that defines an index comprised of topics. Contrary to the suggestion in the Office Action, an attribute list is not a topic and a sort is not an index. Sorting in Kavanagh appears to have its traditional meaning of ordering a set of items according to a set of sort criteria. The criteria are the predefined attributes. That is not new, but that is also not an index as used in claim 42. The index is a set of topics having media content items associated therewith.

An attribute list is not a topic, as suggested in the Office Action. In the present invention, topics are things like inflation, unemployment, and the like. In Kavanagh, an attribute is a piece of defined information that is known in advance for a specific part and made part of the object that represents that part. For example, Kavanagh's Figure 21 lists the attributes as Part Number, Description, Cost, Major material, Finish, Head Style, Head recess, SEMS, Drilled Type, Shak Type etc. Figure 27 shows these attributes for a typical query with the "Values" corresponding to each attribute. The attributes and values are shown below:

Attributes	Values
Part Number	0159339
Description	SCREW.MACH PAN HD CR #6-32UNCx1/2
Finish	Phosphate
Head Style	Pan
Head Recess	Cross
Length	.5 inch

These attribute types exist for many parts in Kavanagh's databases, with each specific object assigning specific values to the attributes that describe the part represented by the object. Clearly, these attributes are not topics (e.g., inflation, unemployment, etc) as meant in claim 42. As such, Kavanagh does not teach this element of claim 42.

With respect to element C, Kavanagh does not teach a scorer for scoring the media content items. In the present invention, a score is a quantified measure that gives and indication of a degree of support of a media content item to a related topic. A score is assigned, it is not part of the media content item itself. In Kavanagh, to the extent that there are "values" they are values of attributes not scores. That is, attribute values define the part, the scores in the present invention do not define the media content – they offer a quantified evaluation of the media content. Thus, the

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attributes are part of the objects in Kavanagh, but the scores are not part of the media content in claim 42.

In the present invention, the examples of scoring use a scoring scale of +2, +1, 0 - 1, -2. Nothing like this exists in Kavanagh. The scale allows quantification of perceptions reflected in media articles across a spectrum of important publications. In the examples of the present application, the scoring scale allows media content items (e.g., articles) to be scored from most favorable (e.g., "+2") to most unfavorable (e.g., "-2"). The scoring represents a useful statement about that media content items.

Consider an example used in the present application, and an article on unemployment by A. Meltzer, entitled Jobless Recovery?, Wall Street Journal, Sept 26, 2003. (See present application, at paragraph [00165].) The Meltzer article is scored as favorable, i.e. "+1," which corresponds to a score of 80 points. This indicates that the Meltzer article considers the unemployment situation as being favorable. (See present application, paragraph [00176]). Another article for the unemployment topic is by M. Feldstein, entitled No Such Thing As A Jobless Recovery, Wall Street Journal, October 13, 2003. Feldstein's article is also scored in the same way, and also happens to have a score of 80 points. Both represent insightful articles on unemployment and the economic recovery by knowledgeable individuals in the Wall Street Journal.

Kavanagh does not teach this type of scoring, or any scoring really. As such, Kavanagh does not teach this element of claim 42.

With respect to element C2, since Kavanagh does not teach an index with topics and scores of media content items against the topics, it cannot teach combined score as required by this element. As such, Kavanagh does not teach this element of claim 42.

For a reference to anticipate a claimed invention under 35 U.S.C. §102, that reference must teach each and every element of that claim. Kavanagh does not teach each and every element of claim 42, as discussed above. Accordingly, Applicant requests reconsideration and removal of this rejection.

Claims 45-51, 58, 59, 61, 62, 64, 65, 67, 68, 70-76, and 78

Claims 45-51, 58, 59, 61, 62, 64, 65, 67, 68, 70-76, and 78 have also been rejected as being anticipated by Kavanagh.

Independent claims 50, 58, 70, 74 and 75 have been amended to include elements similar to those in amended claim 42 discussed above. Therefore, for the same reasons, claims 50, 58, 70, 74 and 75 are also believed to be allowable over Kavanagh. As such, Applicant respectfully requests reconsideration and removal of these rejections.

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Dependent claims 45-49, 51, 58, 59, 61, 62, 64, 65, 67, 68, 71-73, 76, and 78 each depend from one of the independent claims discussed above. Thus, for the same reasons as put forth above Applicant respectfully requests reconsideration and removal of these rejections.

§103(a) Rejections

Dependent claims 43, 44, 60 and 82 have been rejected under 35 USC §103(a) in view of Kavanagh and in further view of Daniel Daianu, Can Further Economic Decline Be Stopped in South East Europe?, RCEP/ Working Paper no. 23/ August 2000 ("Daianu").

Each of claims 43, 44, 60 and 82 depend from an independent claim discussed above. For the same reasons as put forth above, Kavanagh does not teach the respective independent claims of each of these dependent claims. Therefore, the combination of Kavanagh and Daianu does not make obvious claims 43, 44, 60 and 82.

Accordingly, reconsideration of removal of these rejections is respectfully requested.

Examiner's response:

The term 'media content' is part of the amended claims that have been rejected due to new matter. The statement 'index generator that defines an index comprised of topics' is part of the amended claims that have been rejected due to new matter. The statement 'topics are things like inflation, unemployment, and the like' is not in claim 42. Kavanagh 'attribute list' of part number '0159339' maps to applicant 'topic'. The terms 'scorer' and 'scoring scale' are not in the specification or in the drawings and thus this claims is rejected due to new matter. 'Assigned scores' of applicant is equivalent to 'values' of Kavanagh. (**Kavanagh**, C25:27-37) The sentence 'Kavanagh does not teach an index with topics and scores of media content items against the topics, it cannot teach combined score as required by this element.' are portions of an amended claims that is rejected due to new art.

Examination Considerations

13. The claims and only the claims form the metes and bounds of the invention.

"Office personnel are to give the claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. *In re Prater*, 415 F.2d, 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has the full latitude to interpret each claim in the broadest reasonable sense. Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

14. Examiner's Notes are provided to assist the applicant to better understand the nature of the prior art, application of such prior art and, as appropriate, to further indicate other prior art that maybe applied in other office actions. Such comments are entirely consistent with the intent and sprit of compact prosecution. However, and unless otherwise stated, the Examiner's Notes are not prior art but link to prior art that one of ordinary skill in the art would find inherently appropriate.

15. Examiner's Opinion: Paragraphs 13 and 14 apply. The Examiner has full latitude to interpret each claim in the broadest reasonable sense.

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

17. Claims 42-82 are rejected.

Correspondence Information

18. Any inquiry concerning this information or related to the subject disclosure should be directed to the Examiner Peter Coughlan, whose telephone number is (571) 272-5990. The Examiner can be reached on Monday through Friday from 7:15 a.m. to 3:45 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor David Vincent can be reached at (571) 272-3687. Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks,
Washington, D. C. 20231;

Hand delivered to:

Receptionist,
Customer Service Window,
Randolph Building,
401 Dulany Street,
Alexandria, Virginia 22313,
(located on the first floor of the south side of the Randolph Building);

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or faxed to:


(571) 273-8300 (for formal communications intended for entry.)

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).



Peter Coughlan

12/15/2005



DAVID VINCENT
SUPERVISORY PATENT EXAMINER